

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eliana Behar	Team: Squad #1	CCRB Case #: 202002006	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 03/01/2020 8:24 PM, Monday, 03/02/2020 3:30 AM	Location of Incident: Inside of § 87(2)(b) [REDACTED]	Precinct: 70	18 Mo. SOL 9/1/2021	EO SOL 4/18/2022	
Date/Time CV Reported Sun, 03/01/2020 8:12 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/10/2020 10:01 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Sher	07435	951244	070 PCT
2. POM Salvatore Carcaterra	19393	962972	070 PCT
3. SGT Lisa Matamoros	04517	949702	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ruben Romero	17953	968104	070 PCT
2. LT Yael Magori	00000	942099	070 PCT
3. POM Salvatore Annunziata	15854	961491	070 PCT
4. POM Abu Azim	00166	963382	070 PCT
5. POM Anthony Carolei	11381	961670	070 PCT
6. POM Nicholas Romanelli	21535	959948	070 PCT
7. POM Alexander Caballery	21951	962284	070 PCT
8. POM Mateusz Wybraniec	07999	966402	070 PCT
9. POF Noemi Osores	08380	963675	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Sher	Abuse: Police Officer Michael Sher entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B.POM Salvatore Carcaterra	Abuse: Police Officer Salvatore Carcaterra entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
C.POM Michael Sher	Abuse: On March 1, 2020, Police Officer Michael Sher searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
D.POM Salvatore Carcaterra	Abuse: On March 1, 2020, Police Officer Salvatore Carcaterra searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
E.POM Salvatore Carcaterra	Abuse: On March 1, 2020, Police Officer Salvatore Carcaterra threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
F.SGT Lisa Matamoros	Abuse: On March 2, 2020 Sergeant Lisa Matamoros forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]

### Case Summary

On March 1, 2020, § 87(2)(b) filed this complaint with IAB. The CCRB received this case on March 10, 2020.

On March 1, 2020, § 87(2)(b) called the police because she was assaulted by her roommate. Police Officer Salvatore Carcaterra and Police Officer Michael Sher, from the 70<sup>th</sup> Precinct, responded to § 87(2)(b)'s apartment at § 87(2)(b) in Brooklyn at 8:24pm and spoke to § 87(2)(b) in her bedroom. PO Carcaterra and PO Sher entered and searched § 87(2)(b)'s bedroom (Allegations A, B, C, and D: Abuse of Authority—§ 87(2)(g)). PO Carcaterra told § 87(2)(b) that if she left her room she would be arrested (Allegation E: Abuse of Authority—§ 87(2)(g)).

On March 2, 2020, at around 3:30am, § 87(2)(b) called the police again, and Sergeant Lisa Matamoros, of the 70<sup>th</sup> Precinct, responded. Sgt. Matamoros called an ambulance for § 87(2)(b) and she was taken to the hospital (Allegation F: Abuse of Authority—§ 87(2)(g)).

The investigation obtained BWC footage of this incident from 12 officers. There were 16 BWC videos in total associated with this incident (Board Review 01-16).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Michael Sher entered § 87(2)(b) in Brooklyn.**

**Allegation (B) Abuse of Authority: Police Officer Salvatore Carcaterra entered § 87(2)(b) in Brooklyn.**

**Allegation (C) Abuse of Authority: On March 1, 2020, Police Officer Michael Sher searched § 87(2)(b) in Brooklyn.**

**Allegation (D) Abuse of Authority: On March 1, 2020, Police Officer Salvatore Carcaterra searched § 87(2)(b) in Brooklyn.**

**Allegation (E) Abuse of Authority: On March 1, 2020, Police Officer Salvatore Carcaterra threatened to arrest § 87(2)(b).**

§ 87(2)(b) stated that on March 1, 2020, she called the police on two separate occasions to report that her roommate assaulted her. The second time she called the police, PO Carcaterra and PO Sher, who also responded to § 87(2)(b)'s apartment earlier in the evening, arrived at her apartment. § 87(2)(b)'s roommates let PO Carcaterra and PO Sher inside the apartment, and § 87(2)(b) was inside her bedroom with her § 87(2)(b)-old baby when they arrived at the apartment. One of the officers knocked on § 87(2)(b)'s bedroom door, and she opened the door for them. PO Carcaterra and PO Sher then entered § 87(2)(b)'s bedroom and went through all her belongings, including her wallet. PO Carcaterra told § 87(2)(b) that they were searching her bedroom for weapons. PO Carcaterra and PO Sher did not find any weapons. PO Carcaterra then told § 87(2)(b) not to leave her bedroom again and that if she did, she would be arrested (Board Review 17).

PO Sher and PO Carcaterra each have two BWC videos from the night of March 1, 2020 which, consistent with § 87(2)(b)'s testimony, show that they responded to § 87(2)(b)'s apartment twice that evening. Their first BWC videos capture PO Sher and PO Carcaterra, who are already inside of § 87(2)(b)'s apartment, speaking with § 87(2)(b) and her roommates in the hallway of the apartment. At no point does either officer enter § 87(2)(b)'s bedroom or tell her that she would be arrested if she left her bedroom (Board Review 01-04).

PO Sher and PO Carcaterra respond to § 87(2)(b)'s apartment a second time on March 1, 2020 along with PO Nicholas Romanelli, PO Anthony Carolei and Lieutenant Yael Magori, and this is captured on each of their BWCs (Board Review 03-07). The entire incident from PO Sher and PO Carcaterra's arrival at § 87(2)(b)'s apartment to their departure is captured on BWC, and at no point did any officer enter § 87(2)(b)'s bedroom or threaten to arrest her (Board Review 04-05).

Police officers responded to § 87(2)(b)'s apartment a third time on March 1, 2020, however on this third occasion PO Sher and PO Carcaterra were not among the responding officers. PO Romanelli was among the responding officers and his BWC captures him speaking to § 87(2)(b) outside of § 87(2)(b)'s bedroom door at the 14:48 mark. PO Romanelli remains at the doorway to § 87(2)(b)'s bedroom and does not enter her bedroom or threaten to arrest her if she leaves her bedroom (Board Review 08).

§ 87(2)(g)

**Allegation (F) On March 2, 2020 Sergeant Lisa Matamoros forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(b) stated that the police officers who responded to her apartment called an ambulance for her after she told them that she drank two glasses of wine, and took prescription pills for her nerves, anxiety, and migraines. § 87(2)(b) and her baby were taken by ambulance to § 87(2)(b) because police officers thought she was intoxicated and needed medical attention. § 87(2)(b) also stated that they wanted her to go to the hospital to make sure her baby was okay since her roommates told the police that she hurts her baby. § 87(2)(b) and her baby remained in the hospital overnight, and she was released on March 2, 2020 (Board Review 17).

Based on the BWC, the investigation determined that the officer who authorized § 87(2)(b)'s removal to the hospital was Sergeant Lisa Matamoros. Sgt. Matamoros' BWC footage, which is 1:35:46 long, captured the entirety of her time at § 87(2)(b)'s apartment until § 87(2)(b) was taken to the hospital via ambulance.

At the 8:22 mark of Sgt. Matamoros' BWC, Sgt. Matamoros is standing outside of § 87(2)(b)'s open bedroom door and asks § 87(2)(b) who is holding her baby, if she wants an ambulance to come and look at her since § 87(2)(b) stated she was injured by her roommate. § 87(2)(b) tells Sgt. Matamoros that she is okay and does not need an ambulance. At the 12:13 mark § 87(2)(b) begins hyperventilating, and Sgt. Matamoros asks her to take a deep breath and asks her again if she needs an ambulance. At the 12:34 mark § 87(2)(b) starts crying while hyperventilating, and at the 12:48 mark Sgt. Matamoros tells PO Osoreo to call an ambulance for § 87(2)(b) to get her checked out because she is having a panic attack. At the 17:22 mark § 87(2)(b) is crying and says repeatedly that she can't take care of her baby anymore. § 87(2)(b) then hands her baby to Sgt. Matamoros. At the 17:43 mark Sgt. Matamoros tells § 87(2)(b) that she called an ambulance and wants to get her looked at to make sure everything is okay, and § 87(2)(b) continues to cry. At the 30:00 mark EMTs arrive at § 87(2)(b)'s bedroom and examine § 87(2)(b) and her baby. At the 53:00 mark an EMT tells § 87(2)(b) that EMS wants to take § 87(2)(b) to the hospital, and that she needs to be checked out and see a doctor. At 1:29:00 the EMTs, police officers, and § 87(2)(b) and her baby exit the apartment and walk to the ambulance (Board Review 13).

Patrol Guide Procedure 216-01 states that for an AIDED incident, "an officer must render reasonable aid to the sick person and request an ambulance or doctor if necessary." The Patrol

Guide adds that members of service “shall cooperate with ambulance/hospital personnel in every reasonable manner” for incidents where a person needs to receive medical aid or assistance (Board Review 22).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 21).
- Police Officer Michael Sher has been a member of service for nine years and has been a subject in 10 cases and 13 allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Salvatore Carcaterra has been a member of service for four years and has been a subject in one case and one allegation which was not substantiated. § 87(2)(g)
- Sergeant Lisa Matamoros has been a member of service for 10 years and this is the first CCRB complaint to which she has been a subject.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of August 17, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to this complaint (Board Review 20).
- § 87(2)(b)

Squad No.: 1

Investigator:	<u>Eliana Behar</u>	<u>Inv. Behar</u>	<u>03/02/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>	<u></u>	<u>3.10.21</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date